

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6284

BILL NUMBER: SB 119

NOTE PREPARED: Jan 24, 2013

BILL AMENDED: Jan 15, 2013

SUBJECT: Vehicular Manslaughter.

FIRST AUTHOR: Sen. Buck

FIRST SPONSOR: Rep. Mahan

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes involuntary manslaughter committed with a vehicle a Class C felony. It transfers a provision concerning operating while intoxicated resulting in the death of a fetus from the involuntary manslaughter statute to the operating while intoxicated statute.

Effective Date: July 1, 2013.

Explanation of State Expenditures: (Revised) State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony, the current offense for involuntary manslaughter) is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years. The bill would increase the offense to a Class B felony if the alcohol concentration is at least 0.15 when operating the vehicle. A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances.

More offenders could mean increased costs to the Department of Correction (DOC). The average length of stay in DOC facilities for all Class B felony offenders is approximately 3.7 years, Class C felony offenders is approximately 2 years, and the average for all Class D felony offenders is approximately 10 months.

The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012. [For FY 2012,

five people were committed to state prison for involuntary manslaughter. All of the commitments were as Class C felonies.]

Explanation of State Revenues: (Revised) No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D, C, or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues (Revised) No additional revenues would be expected since the court fees for Class D, Class C, and Class B felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Department of Correction.

Fiscal Analyst: Chuck Mayfield, 317-232-4825.